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10/805,155

03/19/2004

Christopher D. Russo

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EXAMINER

WRIGHT, INGRID D

ART UNIT

PAPER NUMBER

2835

MAIL DATE

DELIVERY MODE

01/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/805,155

Applicant(s)

RUSSO, CHRISTOPHER D.

Examiner

Ingrid Wright

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/20/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 8 & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kerrigan et al.**

**US 6141209 (hereinafter: “Kerrigan”).**

Claim 8, Kerrigan teaches an apparatus (e.g. a computer frame (13), Abstract) comprising: a first computer chassis (13); and a second computer chassis (15) joined to the first computer chassis (13); wherein a shape of the first computer chassis (13) is identical to the second computer chassis (15) and includes an empty portion (fig. 3) and a non-empty portion (fig. 3), wherein the empty portion of the first computer chassis (13) receives at least a portion of the non-empty portion of the second computer chassis (15), and wherein a rectangular volume of the joined first and second computer chassis (13,15) is less than twice a rectangular volume of the first computer chassis (13).

Claim 12, Kerrigan teaches further a fastener (e.g. tabs (122) engaging recesses (121) and a safety latch (135), figs. 4-6, Kerrigan, clearly fastening the first computer chassis (13) to a second computer chassis (15).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-6,9-11, 13 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al. US 6053586 in view of Kropf et al. US 6695141 B2 (hereinafter: "Kropf").**

Claim 9, in regards to all the limitations of claim 8 above, Kerrigan teaches the first computer chassis (12) and a space for receiving a second computer chassis (12'); wherein a second computer chassis (12') is capable of being joined by nesting to the first computer chassis (12), and wherein the first computer chassis (12) has a bottom surface for receiving a second computer chassis, but is silent as to a pallet layout. Kropf teaches a bottom surface (32), utilized as in a pallet layout configuration, for shipping purposes (Abstract of Kropf). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the bottom surface (32) of Kropf in the invention of Kerrigan, in order horizontally support a second computer chassis (15) inside the first computer chassis (13), and allow a user to easily transport the computer assembly of Kerrigan.

Claim 10, in regards to all the limitations of claim 8 above, Kerrigan teaches wherein the joined first computer chassis (13) and a second computer chassis (15) are joined together and wherein the first computer chassis (13) has a bottom surface (19) for receiving a second computer chassis (15), but is silent as to a single compartment of a pallet layout. Kropf teaches a bottom surface (32) (fig. 1), utilized as in a pallet layout configuration, for shipping purposes (Abstract of Kropf). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the bottom surface (32) of Kropf in the invention of Kerrigan, in order horizontally support a second computer chassis (15) inside the first computer chassis (13), and allow a user to easily transport the computer assembly of Kerrigan.

Claim 11, in regards to all the limitations of claim 8 above, Kerrigan teaches a plurality of pre-assembled components inside the second computer chassis (15), but does not illustrate a clear view of pre-assembled components inside the first chassis (13). Kropf teaches a plurality of pre-assembled

components (e.g. components, fig. 1, Kropf) assembled in the non-empty portion of a first and second computer chassis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize pre-assembled computer components, including the components as taught by Kropf, inside the first chassis (13) of Kerrigan, in order to provide an increased and modular and easily serviceable configuration, for the computer system of Kerrigan.

**Additional: Official Notice** is taken in regards to other prior art references, which teach assembled components utilized in a modular computer chassis, as Lajara et al. US 6373697 B1 teaches a plurality of assembled components utilized in a modular computer chassis.

Claim 13, in regards to all the limitations of claim 8 above, Kerrigan, teaches the first computer chassis (13) is joined to a second computer chassis (15), but is silent as to the chassis configuration being arranged in a single compartment of a pallet layout and including multiple pairs. Kropf teaches a bottom surface (32), utilized as in a pallet layout configuration, for shipping purposes (Abstract of Kropf). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the bottom surface (32) of Kropf in the invention of Kerrigan, in order to horizontally support a second computer chassis (15) inside the first computer chassis (13), and to allow a user to easily transport, the computer assembly of Kerrigan. As to multiple pairs, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize additional pairs of computer chassis (13,15), in the invention of Kerrigan in view of kropf, in order to allow a user to transport different computer chassis to a plurality of different locations.

Regarding the method claims 1-6, the method steps are inherently necessitated the device structure as taught by Kerrigan & Kropf. Kerrigan & Kropf disclosed a method comprising steps of: (a) a first and second computer chassis (13,15) formed, wherein a shape of the first computer chassis (13) is identical to a shape of a second computer chassis (15) and includes an empty portion (fig. 3) and a non-empty portion (fig. 3); and co-joining (e.g. fasteners, such as tabs (119) engaging recesses (121) & a safety latch (135),

figs. 4-6, Kerrigan) the first and second computer chassis (13,15) so that the empty portion (fig. 3) of the first computer chassis (13) receives at least a portion of the non-empty portion (fig. 3) of a second computer chassis (15), wherein a rectangular volume of the joined first and second computer chassis (13,15) is less than twice a rectangular volume of the first computer chassis (13), wherein step (b) comprises the first computer chassis (13) and a second computer chassis (15) nested in a single compartment of a pallet layout (32), further comprising a step of the joined first and second computer chassis (13,15) arranged in a single compartment of a pallet layout (32), capable of increasing the shipping density of a pallet layout (32), further comprising a step of a number of pre-assembled components (e.g. components, fig. 1, Kropf & components, fig. 3, Kerrigan) arranged in the non-empty portion (fig. 3) of at least one of the first computer chassis (13) and a second computer chassis (15), further comprising a step of the first computer chassis fastened (e.g. fasteners such as tabs (119) engaging recess (121) and a safety latch (131), fig. 4-6, Kerrigan) to a second computer chassis (15), further comprising a step of multiple pairs (e.g. the capability) of the joined first and second computer chassis (13,15) arranged in a single compartment of a pallet layout (32), capable of increasing the shipping density of the pallet layout (32).

Regarding the method claim 15, the method steps are inherently necessitated by the device structure as taught by Kerrigan & Kropf. Kerrigan & Kropf disclosed a method comprising steps of (a) a first computer chassis (13) and a second computer chassis (15), each formed into a shape wherein the shape includes an empty portion (fig. 3) and a non-empty portion (fig. 3); b) the first and second computer chassis (13,15), being joined so that the empty portion (fig. 3) of the first computer chassis (13) receives at least a portion of the non-empty portion of a second computer chassis (15); and (c) the first computer chassis (13) and a second computer chassis (15) are arranged in a single chassis compartment of a pallet layout (32), wherein a rectangular volume of the first and second computer chassis (13,15) is less than twice a rectangular volume of the first computer chassis (13).

*Response to Arguments*


3. Applicant's arguments with respect to claims 1-6, 8-13 & 15, filed on 12/21/07, have been fully considered. The Examiner respectfully disagrees with the Applicant's arguments. A new search was conducted. *Kerrigan et al. US 6141209* is now utilized to teach a first chassis (13) joined to a second chassis (15). *Kropf et al. US 6695141 B2* will be maintained. Thus, arguments regarding, the prior art of the previous Office Action, are moot in view of the new ground(s) of rejection.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Jelinger US 5768097* shows the general state of the art regarding computer housing with modular chassis and component configurations.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571)272-8392. The examiner can normally be reached on M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Gandhi can be reached on (571)272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

IDW

  
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SUPERVISORY PATENT EXAMINER